

AN ACT to amend Chapter 267 of the Acts of 1899, as amended by Chapter 87 of the Private Acts of 1955, Chapter 165 of the Private Acts of 1971, and all other acts amendatory thereto, relative to the charter of the City of Dyer.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Chapter 267 of the Acts of 1899, as amended by Chapter 87 of the Private Acts of 1955, Chapter 165 of the Private Acts of 1971, and all other acts amendatory thereto, is amended by deleting Article VII in its entirety and substituting instead the following:

#### ARTICLE VII

Section 1. Municipal Court established etc.

(1) Municipal Court established. Under the authority of T.C.A. 16-18-201 et seq., there is established a city court for the City of Dyer, Tennessee.

(2) Jurisdiction

(a) Municipal jurisdiction. The city court judge shall have the authority to try persons charged with the violation of municipal ordinances, and to punish persons convicted of such violations by levying a civil penalty not to exceed five hundred dollars (\$500), or the maximum civil penalty allowed under state law, and the costs prescribed by ordinance.

(b) Concurrent jurisdiction. The city judge shall also have the authority to exercise jurisdiction concurrent with courts of general sessions in all cases involving the violation of the criminal laws of the

state within the corporate limits of the city, but shall exercise such jurisdiction if and only if he or she is elected in accordance with section 3(b) of this section.

(3) Popular election, term, salary, etc.

(a) Popular election. In accordance with Article VII, Subsection 5 of the Tennessee Constitution, at the August general election of 2002, and each eight (8) years thereafter, the city judge shall be elected by the qualified voters of the city for a term of eight (8) years, and the city judge shall take office September 1 next following his or her election. However, the office of city judge during the interim period between the effective date of this chapter and September 1, 2002, shall be filled as follows:

(i) Upon the effective date of this chapter, the board of mayor and aldermen shall have the authority to appoint a city judge to serve until the next regular August election.

(ii) At the next regular August election the qualified voters of the city shall elect a city judge to serve until September 1, 2002.

(b) Qualifications. The municipal judge shall be a resident Gibson County, Tennessee, one (1) year and a resident of the State of Tennessee five (5) years, next before his or her election, thirty (30) years of age, and licensed to practice law in the state of Tennessee.

(c) Vacancies in office. Vacancies in the office of municipal judge shall be filled by the Board of Mayor and Aldermen for the unexpired portion of the term.

(d) Salary. The salary of the city judge shall be determined by the Board of Mayor and Aldermen before appointment or election, and such salary shall not be altered during the judge's term of office.

(4) Municipal court clerk.

(a) Election. At the August general election in 1998, and each four (4) years thereafter, the city court clerk shall be elected by the qualified voters of the city for a term of four (4) years, and the city court clerk shall take office on September 1, next following his or her election. However, the office of city court clerk during the interim period between the effective date of this charter and September 1, 1998, shall be filled by the Board of Mayor and Aldermen as follows:

(b) Qualifications. The municipal court clerk shall be a resident of Gibson County, Tennessee, one (1) year next preceding his or her election, and shall continuously reside within the city of Dyer during his or her term of office.

(c) Oath. The municipal court clerk shall take the oath of office prescribed for clerks of courts of general sessions.

(d) Duties. The municipal court clerk shall have all the powers and duties prescribed for clerks of courts of general sessions by state law.

(e) Removal. The municipal court clerk shall generally be subject to removal for the same causes public officers in general are subject to removal. In addition, the municipal court judge may remove the municipal court clerk:

(i) Upon conviction of a misdemeanor in office or of a felony,

(ii) For failing to give security required by law or ordinance,

(iii) For failing to pay over public money collected officially,

(iv) For incapacity, neglect of duty, or misbehavior in office,

(v) For any other cause to which the penalty of removal is attached by law.

Section 2. City judge. The officer designated by the charter to handle judicial matters within the municipality shall preside over the city court and shall be known as the city judge.

Section 3. Maintenance of docket. The city judge shall keep a complete docket of all matters coming before him in his judicial capacity. The docket shall include for each defendant such information as the defendant's name; warrant and/or summons numbers; alleged offense; disposition; fines, penalties, and costs imposed and whether collected; whether committed to workhouse; and all other information which may be relevant.

Section 4. Issuance of summonses. When a complaint of an alleged ordinance violation is made to the city judge, the judge may in his discretion, in lieu of issuing an arrest warrant, issue a summons ordering the alleged offender personally to appear before the city court at a time specified therein to answer to the charges against the alleged offender. The summons shall contain a brief description of the offense charged but need not set out verbatim the provisions of the ordinance alleged to have been violated. Upon failure of any person to appear before the city court as commanded in a summons lawfully served on him, the cause may be proceeded with ex parte, and the judgment of the court shall be valid and binding subject to the defendant's right of appeal.

Section 5. Appeals. In all cases tried by the city judge or other persons within the City of Dyer, each party shall have the right of appeal from the decision of the case or cases to a court of appellate jurisdiction by perfecting his or her appeal. Perfection is made by executing a bond with solvent security in such sum as is now fixed by the general law of the state in cases of appeals. Such appellant may also appeal on the pauper's oath.

Section 6. Mayor's authority to employ counsel. In all cases wherein the City of Dyer is a party in any of the Courts of the city, or of the state, or elsewhere, the mayor shall have the power, and he is hereby given the authority to employ counsel or lawyers to attend to the interests of the city, and any contract so made by the mayor shall be good and binding upon the corporation.

SECTION 2. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the governing body of the City of Dyer. Its approval or nonapproval shall be proclaimed by the presiding officer of the City of Dyer and certified to the secretary of state.

SECTION 3. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 2.

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